rate he would incur heavy losses and also the freight charges have already increased, and it is on this ground that some special concession was shown.

Mr. C. A. Kunjunni Raja.—Is it a condition of the contract that such losses will be made good?

President.—No such condition.

Mr. C. A. Kunjunni Raja.—Why was this concession given then?

President.—The matter was strictly one of right.

Mr. V. B. Vaidyanatha Ayyar.—The Government used to show some consideration if a contractor had to incur heavy losses due to causes beyond his control.

Mr. C. A. Kunjunni Raja.—Were there not variations in prices in previous years and in subsequent years also?

Mr. V. B. Vaidyanatha Ayyar.—In some cases there had been variations.

Mr. C. A. Kunjunni Raja.—The next petition is 3. Was any concession given to any other contractor like this? In the purport it is mentioned that other contractors had been given some such patronage.

Mr. V. B. Vaidyanatha Ayyar.—I do not remember. I have no knowledge.

Mr. C. A. Kunjunni Raja.—Was this profit and loss account referred to in the order on the 5th petition submitted subsequently?

Mr. V. B. Vaidyanatha Ayyar.—I want notice.

Mr. C. A. Kunjunni Raja.—Why is it that the 7th petition dated 10th Medam 1100, is kept pending for such a long time? Orders have not yet been passed.

President.—They are petitions which require long considerations.

Mr. C. A. Kunjunni Raja.—Was any interview allowed to take place subsequent to that prayer referred to in that petition? The petition was for personal interview and in pursuance of that order when did the interview take place?

President.—I cannot say.

Tenders for the supply of salt.

135. Mr. C. A. Kunjunni Raja.—Will the Government be pleased to state :—

(a) the names of the persons who submitted tenders for the supply of salt in pursuance of the Gazette notification made in 1102;

(b) what are the rates of each of them;

(c) to whom was the contract given; why was he preferred?

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Mr. V. B. Vaidyanatha Ayyar.—(a) and (b).

Name of tenderer.	*Rate for 100 maunds* *Jada* *Rs.*			*Barras* *Rs.*		
1. Mainuddin Mohamed Ismail Bhaiji of Bombay by Agent Bhanji Jeevath Khona	69	4	0	50	4	0
2. Oomer Hajee Ibrahim Kasim Sait of Bombay and Mattancheri by Agent D. S. Guna Shenoi	70	0	0	60	0	0
3. Mohamed Ebrahim Mohamed Jaffer and Co. of Bombay by Agent Lekshmidas Amersee	74	4	0	61	4	0
Do. (revised)	70	0	0	60	0	0
4. C. P. Lonappan, Trichur	76	0	0	56	0	0
5. A. N. Guna Shenoi Bros., Ernakulam	79	0	0	58	8	0
6. N. O. Inasu and M. O. Thomas', Trichur.	90	0	0	75	0	0

(c) The contract was given to No. 3 mentioned above as the samples of his salt were found to be the best and he was believed to be best fitted to perform the contract satisfactorily.

Mr. C. A. Kunjunni Raja.—What was the date of the 3rd tender? He has submitted 2 tenders and I want to know the dates of the original and revised tender.

Mr. V. B. Vaidyanatha Ayyar.—The tender of Mohamed Jaffer and Co. is dated 3rd August 1927. I got it on 30th Karkadagam 1102 and I opened it on the same date. The revised tender was received on 22nd Karkadagam 1102, i. e., 7th August 1927.

Mr. C. A. Kunjunni Raja.—Is it usual to receive tenders after tenders are opened?

Mr. V. B. Vaidyanatha Ayyar.—I do not know.

Mr. C. A. Kunjunni Raja.—Then why was it opened?

Mr. V. B. Vaidyanatha Ayyar.—He gave it to me and I received it and I have the right to open it.

Mr. C. A. Kunjunni Raja.—Part (c) "He was believed to be the best fitted man to perform the contract satisfactorily." May I know what are his special qualifications?

Mr. V. B. Vaidyanatha Ayyar.—He was a salt contractor in our State in 1095 and he could fulfil his contract satisfactorily. Moreover he had been a salt contractor of Travancore for the last 7 or 8 years and he has been fulfilling that contract also to the entire satisfaction of that Government.

136. Mr. V. K. Kochunni Menon.—(1) How many persons had submitted tenders for the supply of salt to the State for the years 1103 and 1104; who were they and what were their rates;

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(2) whose tender was accepted by the Government and at what rates;

(3) if the tender accepted was not the lowest, what were the reasons for preferring the same;

(4) if the preference was due to the superiority in the quality, will the Government be pleased to place the samples accepted on the table of the House?

Mr. V. B. Vaidyanatha Ayyar.—(1) Vide answer to parts (a) and (b) to question No. 135.

(2), (3) and (4). Vide answer to part (c) of question No. 135.

The accepted rates were Rs. 70 per 100 maunds of jada and Rs. 60 per 100 maunds of barras.

Mr. V. K. Kochunni Menon.—No answer is given to part 4 of my question.

Mr. V. B. Vaidyanatha Ayyar.—He has been referred to part 'c' of question No. 135 and that answer will show that the contract was given to him not on the ground of the superiority of the sample alone but was also on the ground that he was believed to be the best fitted man to fulfil the contract work. Therefore, it was not thought desirable to place the samples on the table. That was how it was understood.

President.—Why can't you place the sample here?

Mr. V. B. Vaidyanatha Ayyar.—There is absolutely no difficulty at all and I will place it on the table in the after-noon.

Mr. V. K. Kochunni Menon.—How was the capacity of the contractor ascertained? What is the source of your information?

Mr. V. B. Vaidyanatha Ayyar.—I had occasion to meet Travancore officers and we have exchanged our views. From proper enquiries made by me I came to this conclusion.

137. Mr. A. B. Salem.—Will the Diwan be pleased to state:—

(a) how many tenders for the supply of salt to the Cochin State for the year 1103 have been received by him;

(b) when and where were these tenders opened in public;

(c) how many days after the opening of the tenders was the agreement for the supply of salt executed between the Government or the Diwan or the Superintendent and the supplier;

(d) whose tender was accepted;

(e) the rates for the two kinds of salt accepted by the Government;

(f) will the Government be pleased to state whether between the date of opening the tenders in public and the date of agreement, the Goverument, the Diwan, or the Superintendent

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has negotiated with any one of the tenderers for an alteration of the rates at which he originally tendered to supply salt to the State;

(g) will the Government be pleased to place on the table the report of the Excise Superintendent recommending the contract for the supply of salt for the years 1103 and 1104;

(h) will the Government be pleased to state whether the rates for salt in the agreement now entered into are not rates quoted by any other tenderer;

(i) will the Government be pleased to state whether negotiation with any particular tenderer after tenders were opened is a practice that has not been resorted to in the past; if there are instances of negotiations after tenders have been opened, will the Government be pleased to state some or any of them;

(j) will the Government be pleased to state whose samples were best?

Mr. V. B. Vaidyanatha Ayyar.—(a) 6 (six).

(b) On 20th Karkadagam 1102 in the Excise Superintendent's Office.

(c) One month and 20 days.

(d), (e). Vide answer to parts (2), (3) and (4) of question No. 136.

(f) There was no negotiation, but one of the tenderers, viz., Mohamed Ebrahim Mohamed Jaffer and Co. appeared before the Superintendent on 22nd Karkadagam 1102 and representing that they would reduce their rate, put in a revised offer.

(g) The Superintendent is not the final authority in the matter and so no public purpose can be served by placing his report on the table.

(h) Yes.

(i) No definite answer is possible, unless specific instances are pointed out for verification.

(j) Vide answer to part (c) of question No. 135.

Mr. A. B. Salem.—Question (a). The question is how many tenders for the supply of salt have been received and the answer is 6 tenders. I ask "is that inclusive of the revised tender or exclusive?"

President.—Exclusive.

Mr. A. B. Salem.—So it would be seven tenders in all. Revised tender is put under 3 on page 20. Therefore it must be inclusive.

President.—Then take it to be so.

Mr. A. B. Salem.—Sub-division (d). The question was whose tender was accepted" and I am asked to refer to answer

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to parts 2, 3 and 4 of question No. 136 and the answer to that is "See answer to part c of question No. 135". Is that a practical answer? My question was whose tender was accepted ?

President.—Mohamed Jaffer and Company.

Mr. A. B. Salem.—The answer to part (f) is "there was no negotiation." The word is 'offer'. Do the Government consider that the word "offer" is equivalent to the word "tender"? Do the Gvoenment consider an offer by one of the competitors after the opening of the tender in public, a tender?

Mr. V. B. Vaidyanatha Ayyar.—Yes, Sir.

Mr. A. B. Salem.—May I know what is the difference between the first kind of tender and the revised offer? This offer is considered to be a tender. May I know whether the conditions of offer and tender are one and the same ?

Mr. V. B. Vaidyanatha Ayyar.—Yes.

Mr. A. B. Salem.—In the offer do you take a deposit as in the case of a tender ?

Mr. V. B. Vaidyanatha Ayyar.—Subject to all the conditions of the tender notification.

Mr. A. B. Salem.—In this offer did you take an additional deposit ?

Mr. V. B. Vaidyanatha Ayyar.—No, Sir.

Mr. A. B. Salem.—Did you give an opportunity for others also to appear before you?

Mr. V. B. Vaidyanatha Ayyar.—I don't give any opportunity to anybody.

Mr. A. B. Salem.—Did anybody else appear before you ?

Mr. V. B. Vaidyanatha Ayyar.—Nobody appeared before me with a revised tender.

Mr. A. B. Salem.—Did the Government receive any other offers from any other agencies ?

President.—No. Mohamed Jaffer alone appeared with a revised offer.

Mr. A. B. Salem.—Did others also appear before the Government to put in revised offers and was any opportunity given to others also to give offers because in the one case it was a sealed tender and in the other case it was an open offer?

Mr. A. K. Vengu Ayyar.—There was no revised offer to the Government.

Mr. A. B. Salem.—Was there a petition to the effect that if others also were given an opportunity they will also put in revised offers ?

Mr. A. K. Vengu Ayyar.—There was one petition from Banji Geevath and Co.

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Mr. A. B. Salem.—What was the object of getting the sealed tender and then getting the revised offer ?

Mr. V. B. Vaidyanatha Ayyar.—Government is not bound to accept any tender. Government is at liberty to reject any tender without stating reasons.

Mr. A. B. Salem.—What do you understand by the word, negotiation? Did the Superintendent of Excise after he received the revised offer from one of the tenderers notify the fact that they are also at liberty to put in revised offers ?

President.—No.

Mr. A. B. Salem.—May we know why ?

President.— It is not necessary.

Mr. A. B. Salem.— Had he intentions after receiving all of them to receive any further offers ?

President.—The Superintendent had no such intentions.

Mr. A. B. Salem.—How did he send this revised order ?

President,—He considered it proper to do so.

Mr A. B. Salem.—Was revised offer sent along with the Government tenders ?

President.—Yes.

Mr. A. B. Salem.—May we know, Sir, why the Superintendent included the revised offer along with the tenders ?

President.—He considered it proper.

Mr. A. B. Salem.—Is it the practice of the Cochin Government in the past ? Is there any precedent in the Excise Office ?

President.—No enquiry has been made in this respect.

Mr. A. B. Salem.—In answer to my question sub division (g) it is stated, 'no public purpose can be served by placing this report on the table ". This we think to be a reflection upon the non-official Members of this Council. According to Rule 11 there are certain prohibitions stated. Three points are given upon which a question can be disallowed or not answered. This does not come under that.

President. —That is left for the President. No reflections of any kind. That is the Government's opinion on the matter. It is a matter of difference of opinion.

Mr. Chakko Cheruvattur.—It goes to say that non-official Members are unable to say what will serve for public purpose.

President.—It is only a question of difference of opinion.

Dr. A. G. Menon.—I think in certain cases the President can compel the Government to give answers.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—The President cannot compel, but he can ask.

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President.—The usual form is " will the Government be pleased to answer."

Dr. A. G. Menon.—The President can ask the Member in charge of the Department to answer especially the supplementary questions. I shall bring out the final authority next time.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I remember in the last Madras Legislative Council certain supplementary questions were put by the Council of which half a dozen were not answered.

Mr. A. B. Salem.—I ask whether it was the practice.

President.—No enquiry was made as to whether this was the practice.

Mr. A. B. Salem.—In answer (g) it is stated that he is not the final authority in recommending the contracts of supply of salt. May we know what the recommendations were, if the thing cannot be placed on the table, whether any recommendations were made in favour of the contractor? What is the name of the contractor?

Mr. V. B. Vaidyanatha Ayyar.—The name of the contractor is Mohamed Ibrahim Muhamed Jaffer.

Mr. A. B. Salem.—Were any individual questions in regard to supplementary questions made about his ability, capacity and experience, whether this will find a place in the report?

President.—Probably, he has.

Mr. V. B. Vaidyanatha Ayyar.—There was another tenderer. But he was a defaulter and then there was only this man. When the samples of the two were compared his was found best. Further the other contractor was a new contractor. Hence the other contractor's offer was rejected.

Mr. A. B. Salem.—The important information that I required in my supplementary question was whether on the reports sending up the tenders these qualifications of the contractor who was preferred would be made and whether they will find a place on the recommendations made. This is not yet answered.

Mr. V. B. Vaidyanatha Ayyar.—Yes.

Mr. A. B. Salem.—That is enough.

Mr. A. K. Vengu Ayyar.—No definite tenders. There were letters and telegrams. One was accepted.

Mr. A. B. Salem.—In answer to my question sub-division (h) it is said ' yes '. If that tenderer's rates were accepted, why was not the tender given to him?

President.—Rates being the same, why not the other tenderer be preferred?

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Mr. V. B. Vaidyanatha Ayyar.—I just now stated the reasons. On the ground that one has no experience and also owing to the superiority of the sample and the ability of the other, the offer of the former had to be rejected.

Mr. A. B. Salem.—I put in the question with a purpose, and it is a naughty question. It is stated that the Government accepted the rates quoted by one of the tenderers.

Mr. V. B. Vaidyanatha Ayyar.—That is the meaning of the question, and it is not a naughty question. That need not necessarily be so. The question is "will the Government be pleased to state whether the rates for salt in the agreement entered into are not the rates quoted by any other tenderer." There are two tenderers having the same rate. The rate of the one was accepted ; the other was refused.

President.--Finish it off ; why so much pressing about it?

Mr. A. B. Salem.—I ask what was the nature of the enquiry so made.

President.—No enquiry was made.

Mr. A. B. Salem.—I shall not question whether this enquiry was made after or before.

Mr. V. B. Vaidyanatha Ayyar.—That has not been the practice of the past.

Mr. A. B. Salem.—I did not know notice was wanted. When a question is put, an enquiry has to be made but notice is only necessary for verification.

President.—As regards the information you want, you too will have to make some search.

Mr. A. B. Salem.—Certainly, when it serves a public interest.

President.—In order to understand it, we want to know when tenders are called for and the deposit received ; we all know that all these things are important. You should not think we shut our eyes for everything. I shall tell you the whole thing and make the whole matter plain. On my statement, no questions should be put. That matter is finished. Important samples are before the Government ; and then, you see, having examined all the samples, they find certain particular samples are good. The Government will purchase from that contractor. Then you see to the rates of that particular man whose samples the Government preferred. His charges may be a bit higher, and I may even go to the length of saying that the Government will just try to negotiate with them for a less amount, and, of course, the Superintendent reported that he voluntarily offered a reduced rate. So the first consideration was the quality and you

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see the Government tried its best to reduce rates as far as possible. This is all what we do. I don't know whether we followed the fundamental principles of law. What we did in the interests of the Government and the people was this. Still, if by my statement, misapprehensions are not being removed, all that I have stipulated for is that my statement cannot be questioned.

Mr. C. Achyuta Menon.—Calling this compatible innovation. Formerly we did not call in for samples. We keep samples with us.

Dr. A. G. Menon.—On a point of order. There is no necessity to discuss this point just after your speech in the matter.

President.—It is not proper. You need not support me.

Mr. A. B. Salem.—I do not want for your information as Diwan, but as President of the Legislative Council, I want to know whether the samples are generally analysed.

President.—We just have a look at it. No analysis. Of course, you can expect only a lay-man's information in these matters.

Mr. A. B. Salem.—I am very thankful to you, Sir. So you can make your own choice.

President.—The Government may be wrong. You may get that sample.

Mr. V. K. Kochunni Menon.—I will bring the samples.

Mr. V. B. Vaidyanatha Ayyar.—I must be satisfied that the samples are the same. You know there is very little safe-guard.

Mr. V. K. Kochunni Menon.—They have got seals.

Mr. V. B. Vaidyanatha Ayyar.—Those are not my seals but are the seals of the contractor.

President.—In this matter I want to make a distinction We must look to the public interest. Others are all private interests. The Government should not needlessly favour one party. Public interests should not be sacrificed for private interests. In private interests a large number want to get contracts for himself to make some profit. We are now concerned only with public interest and I have explained this. We considered Muhammad Jaffer's samples to be the best and we must go on examining the rate. If it is higher than the usual rate, I say we would be justified in negotiating with them on the question of merit.

Dr. A. G. Menon.—Apply the simple test of dissolving in order to test the sample. Take a tumbler full of water and put some salt and see the solubility of each sample. This is the;

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most simple test. The quantity of sand can be seen at the bottom.

President.—Next time when we analyse we shall try this. Please note this point.

Dr. A. G. Menon.—I saw it done by my friend, the late Mr. Fenn, who was formerly the Excise Superintendent. He used to carry 2 or 3 tumblers and keep it for hours together. If there is any unsoluble portion larger in proportion than in the sample he takes with him, the Depot-man is at once fined.

President.—In accepting samples was this procedure followed ?

Dr. A. G. Menon.—He was doing the same. In orde to give colour, white sand is added.

President.—There are two kinds, the Jada and the Bara. How can you know which is the good variety ?

Dr. A. G. Menon.—Solubility is the test and if the sands are greater in proportion in one that salt is not good. This is only for the information of the Government.

Mr. A. B. Salem.—If it is to be the best, something must have been done there by inspection. Mere looking at it won't do. That will be most deceptive. Is there no chemical test applied in the Excise Office ?

Correspondence of a member of the Excise Committee.

138. Mr. K. T. Mathew.—Will the Government be pleased to print and lay on the table the letters addressed to the Diwan of Cochin on the 20th March and 7th May 1927 by a member of the Excise Committee and state:—

(a) what action has been taken by the Government in this matter ;

(b) what reply has been sent to the member concerned and whether the member replied to it ; and, if so, what was his reply ; and

(c) whether the Government be pleased to lay on the table the file referring to this matter ?

Mr. V. B. Vaidyanatha Ayyar.—(a) Vide answer to question No. 46 of the last budget session.

(b) Do. A further communication dated 7th July 1927 was received from the member. A copy of it is appended. (*Vide Appendix X.*)

(c) Vide answer to question No. 46 of the last budget session.

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